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January 29, 2008

By ECF and Fax

The Honorable Victor Marrero, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 660
New York, New York 10007

Re: Garcia v. The Coca-Cola Company
Civil Action No. 07-11444(VM)

Dear Judge Marrero:

We represent defendant The Coca-Cola Company ("Coca-Cola") in the above-referenced matter. In furtherance of our telephone conversation with Your Honor's chambers, we write to advise the Court that Coca-Cola timely filed its response to this Court's Order dated January 4, 2008 seeking the parties' position regarding the transfer of this matter to another venue. Pursuant to Your Honor's individual practices, we electronically filed Coca-Cola's response on January 25, 2008, *see* Exhibit A and served courtesy copies to Your Honor's chambers and plaintiff's counsel by overnight delivery, *see* Exhibit B. Accordingly, we respectfully request that Your Honor vacate its Order dated January 28, 2008 and give due consideration to Coca-Cola's response, which was timely filed on January 25, 2008.

Respectfully submitted,

/s/ Elise M. Bloom

Elise M. Bloom

cc: Kenneth McCallion, Esq. (via ECF)

EXHIBIT A

Other Answers

1:07-cv-11444-VM Romero Garcia v. The Coca-Cola Company
ECF

U.S. District Court

United States District Court for the Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Bloom, Elise on 1/25/2008 at 5:36 PM EST and filed on 1/25/2008

Case Name: Romero Garcia v. The Coca-Cola Company
Case Number: 1:07-cv-11444
Filer: The Coca-Cola Company
Document Number: 12

Docket Text:

RESPONSE re: [8] Order,,, *Letter Response to Court's Order dated January 4, 2008.*
Document filed by The Coca-Cola Company. (Attachments: # (1) Exhibit A and B)
(Bloom, Elise)

1:07-cv-11444 Notice has been electronically mailed to:

Elise Michelle Bloom ebloom@proskauer.com, lsosdny@proskauer.com

Nathaniel M. Glasser nglasser@proskauer.com, lsosdny@proskauer.com

Kenneth Foard McCallion kfm@mccallion-law.com

1:07-cv-11444 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=1/25/2008] [FileNumber=4212605-0]
] [b1383c17a0fe5fc8cc0294b68d5834c2e703b185f9a6ca68b5186762e9d7f05116f
aae6c29585e5b1c7d3f7f357fcf87dd57af22e77ded89ee099aaf59209d7d]]

Document description:Exhibit A and B

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=1/25/2008] [FileNumber=4212605-1
] [9cbf74f202ed68aec16d05074f6c87e874bc1be82d141dfaee1b10af00a3fd5f248
14945f968352e0fdac9cd1d935034326f3e99d6174caad9389de2fb587310]]

EXHIBIT B

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Your Shipment Details:

Ship to:	Honorable Victor Marrero, USDJ United States District Court 500 PEARL ST RM 660 SOUTHERN DISTRICT OF NEW YORK NEW YORK, NY 100071316 US 9732743236	Package type: Pickup/Drop Off: Weight: Dimensions: Declared value: Shipper account number: Bill transportation to: Courtesy rate quote:* Discounted variable % Cod amount	FedEx Envelope give to scheduled courier at my loca 1 LBS 0 x 0 x 0 in 0 USD 145208157 145208157 11.01
From:	Melissa Brady Proskauer Rose LLP One Newark Center, 18th Floor Newark, NJ 07102 US 9732743238	Special services: Shipment Purpose: Shipment type: Commercial/Residential Status:	Express Commercial
Tracking no:	791485249732		
Your reference:	20820-002 (Garcia)		
Ship date:	Jan 25 2008		
Service type:	Priority Overnight		

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Detailed Results

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Tracking number	791485249732	Reference	20820-002 (Garcia)
Signed for by	P.GELARDI	Destination	NEW YORK, NY
Ship date	Jan 25, 2008	Delivered to	Shipping/Receiving
Delivery date	Jan 28, 2008 8:55 AM	Service type	Priority Envelope
		Weight	0.5 lbs.

Status Delivered

Signature image available [Yes](#)

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Date/Time	Activity	Location	Details
Jan 28, 2008	8:55 AM Delivered	NEW YORK, NY	
	7:48 AM On FedEx vehicle for delivery	NEW YORK, NY	
Jan 26, 2008	12:16 PM At local FedEx facility	NEW YORK, NY	Package not due for delivery
	4:06 AM Departed FedEx location	NEWARK, NJ	
Jan 25, 2008	11:17 PM Arrived at FedEx location	NEWARK, NJ	
	9:55 PM Left origin	UNION, NJ	
	6:26 PM Picked up	ELIZABETH, NJ	
	1:30 PM Package data transmitted to FedEx		

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Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or



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Your Shipment Details:

Ship to:	Kenneth F. McCallion, Esq. McCallion & Associates LLP 24 W 40TH ST NEW YORK, NY 100183904 US 6463660880	Package type: Pickup/Drop Off: Weight: Dimensions: Declared value: Shipper account number: Bill transportation to: Courtesy rate quote:* Discounted variable % Cod amount Special services: Shipment Purpose: Shipment type: Commercial/Residential Status:	FedEx Envelope give to scheduled courier at my loca 1 LBS 0 x 0 x 0 in 0 USD 145208157 145208157 11.01 Express Commercial
From:	Melissa Brady Proskauer Rose LLP One Newark Center, 18th Floor Newark, NJ 07102 US 9732743238		
Tracking no:	799791006680		
Your reference:	20820-002 (Garcia)		
Ship date:	Jan 25 2008		
Service type:	Priority Overnight		

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Tracking number	799791006680	Reference	20820-002 (Garcia)
Signed for by	W.Q	Destination	NEW YORK, NY
Ship date	Jan 25, 2008	Delivered to	Receptionist/Front Desk
Delivery date	Jan 28, 2008 8:25 AM	Service type	Priority Envelope
		Weight	0.5 lbs.

Status Delivered

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Date/Time	Activity	Location	Details
Jan 28, 2008	8:25 AM Delivered	NEW YORK, NY	
	7:29 AM On FedEx vehicle for delivery	NEW YORK, NY	
Jan 26, 2008	10:20 AM At local FedEx facility	NEW YORK, NY	Package not due for delivery
	6:46 AM At local FedEx facility	NEW YORK, NY	
	4:06 AM Departed FedEx location	NEWARK, NJ	
Jan 25, 2008	11:17 PM Arrived at FedEx location	NEWARK, NJ	
	9:55 PM Left origin	UNION, NJ	
	6:26 PM Picked up	ELIZABETH, NJ	
	1:35 PM Package data transmitted to FedEx		

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